

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**PROGRESSIVE AMERICAN)
INSURANCE COMPANY,)
)
PLAINTIFFS-STAKEHOLDERS,)
)
V.) **Civil Action No.: CV-06-717.ID**
)
CAROL THORN, et al.,)
)
DEFENDANTS-CLAIMANTS.)**

MOTION FOR A HIPAA ORDER IN CIVIL ACTION

COMES NOW defendant Greenville Hospital Corporation d/b/a LV Stabler Memorial Hospital and moves the Court to enter the attached HIPAA Order in this case and as grounds therefore, avers as follows:

The entry of the attached HIPAA Order is for the purpose of permitting compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and discoverable Protected Health Information with regards to the above referenced matter.

WHEREFORE, PREMISES CONSIDERED, defendant Greenville Hospital Corporation d/b/a LV Stabler Memorial Hospital therefore moves the Court to enter the attached HIPAA Order in this case.

/s/ Greer B. Mallette
Richard E. Smith
Greer B. Mallette
Attorneys for defendant Greenville Hospital
Corporation d/b/a L.V. Stabler Memorial Hospital

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CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the above and foregoing upon all counsel of record in this cause by electronic or United States mail on this the 28th day of August, 2007.

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QUALIFIED HIPAA PROTECTIVE ORDER

The parties are hereby granted the right, upon compliance with the applicable discovery provisions of the Federal Rules of Civil Procedure and the orders of this court, to obtain from any health care provider, health plan, or other entity covered by the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936 (1996) ("HIPAA"), any and all information relating to the past, present, or future medical condition of any individual who is a party to this action (or the decedent or ward of a party who sues in a representative capacity), as well as any and all information relating to the provision of health care to such individual and payment for the provision of such health care.

This order authorizes any third-party who is provided with a subpoena requesting the production of documents or commanding attendance at deposition or trial to disclose the Protected Health Information in response to such request or subpoena. This order is intended to authorize such disclosures under the privacy regulations issued pursuant to HIPAA. 45 C.F.R. § 164.512(e)(1)(i).

The parties are expressly prohibited from using or disclosing the protected health information obtained pursuant to this order for any purpose other than this action. Further, the parties are ordered

to either return to the covered entity from whom or which such protected health information was obtained, or to destroy the protected health information (including all copies made), immediately upon conclusion of this action. See 45 C. F. R. §§ 163.502(b); 164.512(e)(1)(v).

DONE and ORDERED this _____ day of _____, 2007.

United States District Judge